

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES,

Plaintiff,

v.

Case No. 16-cr-20645
District Judge Paul D. Borman

LARRY BUTTROM,

Defendant. _____/

**ORDER DENYING DEFENDANT'S SECOND MOTION FOR
COMPASSIONATE RELEASE**

On July 16, 2020, this Court issued an Opinion and "Order Denying Defendant Larry Buttrom's Motion for Resentencing and Request for Early Release Pursuant to 18 U.S.C. § 3582(c)(1)(A) (ECF NO. 27)." (ECF No. 31.)

On August 2, 2020, Defendant filed an "Emergency Motion for Resentencing and Request for Early Release. (ECF No. 32.)

This second motion for early release is based upon the new fact that Defendant Buttrom is now currently positive with COVID-19. (*Id.* at PageID 155.) Mr. Buttrom respectfully requests that his sentence be modified pursuant to 18 U.S.C. § 3582(c)(1)(A)(i) in light of testing positive for COVID-19 AND THE COVID-19 pandemic."

The Government Response in Opposition states that "A month ago this Court denied Larry Buttrom's motion for compassionate release because 'Mr.

Buttrom's medical situation does not satisfy the medical condition requirement, nor does he qualify under any of the other 'extraordinary and compelling reasons.' (ECF No. 31, pageID 152).' Since then, Buttrom filed another motion after he tested positive for Covid-19." (ECF No. 36, PageID 171.)

On August 26, 2020, the Court received the following email from Assistant United States Attorney Jihan Williams with information from the Bureau of Prisons, a copy of which went to Defendant's attorney:

[I]nmate Buttrom tested positive for Covid-19 on 7/22/2020, and was housed in our isolation unit. He remained essentially asymptomatic during isolation. He has now returned to and is housed in the general population. Per CDC and BOP guidance he will not be retested for 90 days unless he develops symptoms.

Assistant United States Attorney Williams added:

Based on this, it appears Mr. Buttrom was considered recovered on 7/31/2020 and has returned to the general population and that likely explains why there were no evaluations in August.

(ECF No. 38.)

Defendant did not respond to this email.

Accordingly, since the Court has previously dealt with Defendant's Motion for Compassionate Release in its July 16, 2020 Opinion and Order denying compassionate release (ECF No. 31), and the only new issue raised in his second motion--his testing positive on July 22, 2020 and, then that issue having been

resolved by his being asymptomatic, and on July 31, 2020 being returned to the general population, the Court DENIES Defendant's second motion for compassionate release.

SO ORDERED.

DATED: October 13, 2020

s/Paul D. Borman
PAUL D. BORMAN
UNITED STATES DISTRICT JUDGE